

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COPY

STATE OF ILLINOIS, ILLINOIS DEPARTMENT OF)
TRANSPORTATION,)

Petitioner,)

v.)

No. T06-0047

BNSF RAILWAY COMPANY,)

Respondent.)

Petition for an order granting authority to)
construct five (5) new grade separation structures)
carrying the newly constructed four (4) lane)
expressway to be known as Illinois Route 336)
over and under the mainline track LS-11 of the)
BNSF Railway Company; construction of a)
temporary railroad shoo-fly and the closure of an)
at-grade crossing all within a project are)
beginning at the western edge of Macomb, Mc-)
Donough County, Illinois and extending westerly)
approximately 10 miles to the McDonough/)
Hancock County Line.)

RECEIVED

JUL 21 2006

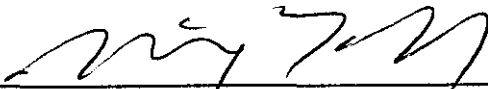
Illinois Commerce Commission
RAIL SAFETY SECTION

NOTICE OF FILING

To: See attached service list

Please take notice that I have this 19 day of July, 2006, forwarded to the Director of Processing of the Illinois Commerce Commission, Springfield, Illinois for filing the above captioned matter, BNSF Railway Company's e-mail correspondence dated July 18, 2006, a copy of which is attached hereto and hereby served upon you.

KENNETH J. WYSOGLAD & ASSOCIATES


Michael L. Sazdanoff

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
BNSF Railway Company
118 S. Clinton Street, Suite 700
Chicago, IL 60661
(312) 441-0333

DOCKETED

JUL 21 2006

YAHOO! SMALL BUSINESS
Email

Print - Close Window

Subject: RE: T06-0047 II RT 336 draft proposed order
Date: Wed, 19 Jul 2006 10:32:57 -0500
From: "Jackson, Dean" <djackson@icc.illinois.gov>
To: wysogladfirm@wysoglad.com, "Humphries, Henry" <hhumphri@icc.illinois.gov>, "Benson, Thomas M" <Thomas.Benson@illinois.gov>, "Stead, Mike" <mstead@icc.illinois.gov>
CC: "Ken Wysoglad" <wysogladfirm@yahoo.com>, "Blair, John" <jblair@icc.illinois.gov>, "Matrisch, Steven" <smatrisc@icc.illinois.gov>

I would greatly appreciate if the Parties would be so kind as to file copies of these items/emails in the original file in the case with the Director of Processing. I wouldn't normally engage in these emails, but have made an exception given the past 2 weeks absence of Ms. Rebecca Crask, our Admin Asst in TREX, from the Office.

Thanks all,

Chief ALJ Dean W. Jackson

From: Wysoglad Firm [mailto:wysogladfirm@wysoglad.com]
Sent: Tuesday, July 18, 2006 3:52 PM
To: Humphries, Henry; Benson, Thomas M; Stead, Mike; Jackson, Dean
Cc: wysogladfirm@wysoglad.com; Ken Wysoglad; Blair, John; Matrisch, Steven
Subject: RE: T06-0047 II RT 336 draft proposed order

Gentlemen:

BNSF Railway Company has agreed to this project by executing an agreement which serves to address the more significant railroad issues, a copy of which has been filed by IDOT as a late filed exhibit. Subject to Staff's comments, with which BNSF agrees, BNSF has no objection to Illinois Commerce Commission approving the project described in the Petition and Agreement without the necessity of a hearing.

Additionally, BNSF has reviewed the draft proposed order submitted by IDOT and has no objection to the same as the draft order is consistent with the Agreement executed by the parties. However, the final order should probably reference the Agreement, submitted by IDOT as Petitioner's Late Filed Exhibit 1, somewhere within the text of the order

I would certainly appreciate receiving Staff's advice as to whether the scheduled hearing will proceed

on July 21, 2006.

Should further input be required from this office, please advise.

very truly yours,

Michael L. Sazdanoff

(312) 441-0333

"Humphries, Henry" <hhumphri@icc.illinois.gov> wrote:

Staff has reviewed the Department's Petition, Exhibits and Draft proposed Order. Staff has come to the following position/conclusion:

- All work will be performed in accordance with 92 Illinois Administrative Code 1500 and 1535;
- No obstructions to train traffic will be created;
- All cost of construction will be paid by the Department and all work will be completed in four (4) years;
- The proposed closure of TR 261 is in fact is an overlay by RT 336. The TR-261 one lane gravel roadway will be replaced with a four (4) lane roadway with duel overpass structures. A new service road will be constructed in the area. Staff assumes this work is being constructed pursuant to an agreement/vacation between the Township and the Department. Staff request this agreement/vacation be entered into evidence concerning the roadway.

If all the above is correct and the Agreement/vacation with the Township can be provided, Staff believes e hearing is not necessary. Staff has reviewed the proposed draft order and has no exceptions, except to note that there are typo's contained in the draft document.

Henry Humphries
Railroad Safety Specialist
(217)785-8423

From: Benson, Thomas M [mailto:Thomas.Benson@illinois.gov]

Sent: Monday, July 17, 2006 2:27 PM
To: Stead, Mike; Humphries, Henry
Cc: wysogladfirm@wysoglad.com; Ken Wysoglad
Subject: T06-0047 II RT 336 draft proposed order

I have attached a draft proposed order for this case. I have also sent the draft order to BNSF to Mike Sazdanoff for his review. What does the Commission staff need from the parties to avoid a hearing in this case, which is scheduled for this Friday?

Tom

Thomas M. Benson
Assistant Chief Counsel
Illinois Department of Transportation
2300 South Dirksen Parkway Room 311
Springfield, Illinois 62764
(217) 782-0696
(309) 269-7005(cell)

MY EMAIL ADDRESS HAS CHANGED. MY NEW EMAIL ADDRESS IS: Thomas.Benson@illinois.gov
This e-mail is a confidential attorney/client, attorney work product, and/or pre-decisional FOIA exempt document intended solely for the use of the individual to whom it is addressed, and should be handled accordingly. If you are not the intended recipient, please be advised that you have received this e-mail in error and that the use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify Thomas Benson.

PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the

19 day of July, 2006, he caused to be served, a true and correct copy of **NOTICE OF FILING** upon:

Mr. Thomas Benson
Special Assistant Attorney General
Illinois Department of Transportation
2300 S. Dirksen Pkwy., Rm. 311
Springfield, IL 62764

Mr. Henry Humphries
Railroad Section
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

Mr. Michael Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Administrative Law Judge Dean Jackson
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

by depositing same in the U.S. Mail depository located at Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

